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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, HUY THANH

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/786,854	Applicant(s) WATANABE ET AL.	
	Examiner HUY T. NGUYEN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-8 and 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1,3-8, 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al (5,819,290) in view of Kitamura et al (5,703,997).

Regarding claim 1, Fujita discloses a multimedia information recording apparatus (Figs. 2-4,6-7) recording a multimedia information file having a data body including data for forming an image and control information for controlling said data body on a recording medium (110) every specific area having a specific size, wherein

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said recording medium at least has a data area (112) where said multimedia information file is recorded and a management information (111) where information for managing the state of arrangement of said multimedia information file recorded in said data area is recorded, said multimedia information recording apparatus comprising:

file writing means) specifying a plurality of said specific areas of said data area being in an empty state capable of data writing for writing said data body and said control information respectively and writing said data body and said control information in said specified plurality of specific areas in an arbitrary sequence in parallel; and
link information writing means creating area link information (FAT) for linking at least one said specific area where said data body and said control information are written by said file writing means according to the sequence for forming said multimedia information file and writing said area link information in said management information area (columns 5,10) .

Fujima fails to teach that the file further having control information . Kitamura teaches a recording / reproducing apparatus having means for generating control information and adding the control information to the data as header information used for controlling the data (column 9, lines 35-65, Fig. 9).

It would have been obvious to one of ordinary skill in the art to modify Fujita with Kitamura by providing Fujita apparatus with a control information recording means as taught by Kitamura for recording control information together with the data file thereby enhancing the capacity of the Fujita apparatus to accurately access the data .

Further for claim 1. , Fujita as modified with Kitamura further teaches dummy data writing means writing dummy data (padding data) in an area being in said empty state in each of at least one said specific area where said data body and said control information are written by said file writing means (See Kitamura column 9, lines 35-65, Figs. 9,20).

Method claim 12 and 14, correspond to apparatus claim 1. Therefore method claims 12 and 14 are rejected by the same reason as applied to apparatus claim 1.

Regarding claims 3, 4 and 15-16, Fujita teaches a multimedia information recording apparatus (Figs 2-4,6-7) for recording a multimedia information file having a data body (DB) including data for forming an image and control information (HD, FD) for controlling said data body on a recording medium every specific area having a specific size while dividing said multimedia information file into a plurality of different multimedia information files on a prescribed position, wherein:
said recording medium at least has a data area (112) where said multimedia information file is recorded and a management information area (110) where information for managing the state of arrangement of said multimedia information file in said data area is recorded,

said multimedia information recording apparatus comprising: data body changing means (603) duplicating contents recorded in said specific area corresponding to said specific position in said data body and writing said contents obtained by duplication in said specific area of said data area being in an empty state capable of being written with data (moving data of a block)(column 2, lines 2, lines 5-15) to respective ones of a

precedent area from said prescribed position in one said specific area and a subsequent area from said prescribed position in the other said specific area; control information generation means (602, 604) generating said specific area where said control information for the respective ones of said multimedia information files obtained by division is written; and link information writing means (608) creating area link information (FAT) for linking a plurality of said specific areas where said data body and 20 said control information are written, including at least one said specific area where said data body and said control information are written by said data body changing means and said control information generation means, according to the sequence for forming the respective ones of said multimedia information files obtained by division and writing said area link information in said management information area. (columns 5,10)

Fujita fails to teaches that the file further having control information . Kitamura teaches a recording / reproducing apparatus for generating control information and adding the control information to the data as header information used for controlling the data (Figs.6, 9, column 9) .

It would have been obvious to one of ordinary skill in the art to modify Fujita with Kitamura by providing the Fujita apparatus with a control information recording means for recording control information together with the data file thereby enhancing the capacity of the Fujita to accurately access the data .

Fujita as modified with Kitamura further teaches dummy data (padding or stuffing data) writing means for writing dummy data in an area being in said empty state

in each of at least one said specific area where said data body and said control information are written by said file writing means as being recited in claims 3-4 (See Kimura Fig. 9).

Method claim 13 corresponds to apparatus claim 3. Therefore method claim 13 is rejected by the same reason as applied to apparatus claim 3.

Regarding claim 4, Fujita as modified with Kimura further teaches the multimedia information recording apparatus according to claim 3, further comprising dummy data writing means (702, 804) writing the dummy data (DW in the area of said empty state in said specific area where said control information is written by said control information generation means (See Kimura Fig. 9).

Regarding claim 5, Fujita further teaches the multimedia information recording apparatus according to claim 3, wherein said control information generation means generates said control information corresponding to the respective ones of said multimedia information files obtained by division in respective ones of a plurality of said specific areas in said data area on the basis of said control information of said multimedia information file before being divided (column 2, lines 10-45).

Regarding claim 6, Fujita further teaches the multimedia information recording apparatus according to claim 5, wherein at least one said specific area where said control information of said multimedia information file before being divided has been recorded and at least one said specific area of said empty state in said data area are included in said plurality of specific areas (column 2, lines 1-30).

Regarding claim 7, Fujita further teaches the multimedia information recording apparatus according to claim 5, wherein each of said plurality of specific areas is said specific area of said empty state in said data area (Figs 3-4, column 2, lines 1-30).

Regarding claim 8, Fujita discloses a multimedia information recording apparatus (Figs. 2-4,6-7, column 5) recording a plurality of multimedia information files having data bodies including data for forming images and control information for controlling said data bodies on a recording medium every specific area (C) having a specific size while connecting said plurality of multimedia information files into a single multimedia information file (615), wherein said recording medium at least has a data area (112) where said multimedia information files are recorded and a management information area (111) where information for managing the state of arrangement of said multimedia information files in said data area is recorded, said multimedia information recording apparatus comprising: control information generation means (602, 604) generating said specific area where said control information for said multimedia information file obtained by connection is written; and link information writing means (608) creating area link information (FAT) for linking at least one said specific area where said data bodies of said plurality of multimedia information files are written and said specific area where said control information is written by said control information generation means according to the sequence for forming said multimedia information file obtained by connection and writing said area link information in said management information area.(columns 5,10)

Fujita fails to teach that the file further having control information. Kitamura teaches a recording / reproducing apparatus for generating control information and adding the control information to the data as header information used for controlling the data (column 9, lines 35-55, Figs. 6, 9 and 20).

It would have been obvious to one of ordinary skill in the art to modify Fujita with Kitamura by providing Fujita apparatus with a control information recording means for recording control information together with the data file thereby enhancing the capacity of the Fujita to accurately access the data.

Fujita as modified with Kitamura further teaches dummy data writing means (107) writing dummy data (DND in an area being in said empty state in each of at least one said specific area where said data body and said control information are written by said file writing means (See Kimura Fig. 9).

Regarding claim 10, Fujita further teaches the multimedia information recording apparatus according to claim 8, wherein said control information generation means has: changing means (801) changing the contents of said specific area where said control information of arbitrary said multimedia information file of said plurality of multimedia information files is written to said control information for said multimedia information file obtained by connection, and

deletion means (803) deleting partial contents of said specific area where said control information of another said multimedia information file of said plurality of multimedia information files is written since Fujita teaches the apparatus having capacity of erasing the data on the medium (column 6, lines 50-55)

Regarding claim 11, Fujita as modified with Kitamura further teaches the multimedia information file recording apparatus according to claim 8, wherein said control information generation means has: writing means writing said control information for said multimedia information file obtained by connection in said specific area of said empty state of said data area (columns 5,10).

3. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura et al (5,703,997) in view of Hiroshima et al (5,801,781).

Regarding claim 17, Kitamura discloses a recording /reproducing apparatus (Figs. 1 and 20, for recording control data and data body on a medium , the control data used for controlling the reproducing of the data body comprising a writing means for writing the control data, dummy data and body on the medium (Fig. 9) (column 9, line 35 to column 10, line 11).

Kimura fails to teach writing information indicating the size of the control data and dummy data .

Hiroshima teaches a recording / reproducing apparatus Teaches generating the size information for each packet (packet length information) (Fig. 9a, column 10, lines 17-18). It would have been obvious to one of ordinary skill in the art to modify Kimura with Hiroshima by providing the apparatus of Kitamura with a control mean as taught by Hiroshima for generating the size information for control data and dummy data thereby accurately access the control data and dummy data ..

Regarding claim 18, Kitamura as modify with Hiroshima further teaches skipping the dummy data (Hiroshima column 10, lines 17-22).

Response to Arguments

4. Applicant's arguments filed 18 August 2006 have been fully considered but they are not persuasive.

In Remarks , page 5, applicant argues that Kitamura does not teaches a writing means for writing dummy data . IN response the examiner disagrees. It is noted that , Kitamura teaches a writing means for writing the dummy data (padding data) in a area where being an empty state (padding data packet)(column 9, lines 60-68).

Applicant at page 5, further argues that the teaching of Kitamura is significantly different than the invention which is directed to efficiently writing the multi media information for a multimedia file on a medium at a high speed. In response, it is noted that applicant argument does not reflect the claims since nowhere in claims do they recite how the body data and control information are written on a medium at high speed.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sakurai teaches apparatus for writing dummy data in a blank area on a medium .

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N


HUY T. NGUYEN
PRIMARY EXAMINER